

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

BEFORE

THE HON'BLE MR JUSTICE R V RAVEENDRAN

Writ Petition No 35640 of 1993

Between:

Thibbaiah
s/o Mallaiahana Thibba
@ Dalaiah h
r/o Talagawadi
Kirugaval hobli
Malavalli taluk

... PETITIONER

[By Sri M S Purushothama Rao, Adv]

And:

1. State of karnataka
by its Secretary
Deptt of Rural Development
& Panchayat Raj, Govt
Secretariat, Bangalore
2. Zilla Panchayat
Mandya district
Mandya, by its
Chief Executive Officer
3. Dugganahalli Mandal
Panchayat, Dugganahalli
Kirigaval hobli
Malavalli taluk
by its Secretary
4. B M Shivaprakash
Deputy Secretary(I)
Zilla Panchayat
Mandya
5. Shivalingaiah s/o
Lingaiah @ Doddaputtegowda

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6. D Daliah @ Mindana Mogaiah

R-5 and 6 are r/o
Talagawadi
Kriugaval Hobli
Malavalli taluk

7. Kalaiah, major
Pradhan, Mandal
Panchayat, Dugganahalli
Kirigaval hobli
Malavalli taluk

... RESPONDENTS

[Sri A Nagarajappa, AGA, for R1;
Sri B J Somayaji, Adv. for R2;
Sri M Sivappa, Adv. for R5 & R6;
R3, R4 & R7 served]

Writ Petition is filed praying to quash Annexure 'C' dated 22-7-1993 passed in Appeal No 76/90-91 on the file of the third respondent and etc.

This writ petition coming on for preliminary hearing this day, the Court made the following:-

ORDER

Petitioner filed an appeal under Section 273 of Karnataka Zilla Parishad, Mandal Panchayat and Nyaya Samithis Act, 1983, against the order of the third respondent, transferring the khata in regard to property bearing Sy No 377 of Talagawadi, Malavalli taluk, before the second respondent when the Karnataka Panchayat Raj Act, 1993 came into force on 10-5-1993, he made an application to transfer the appeal to the Asst. Commissioner on

RMR

the ground that Zilla Parisahd/Zilla Panchayat was no longer the appellate authority. In reply, the second respondent issued an endorsement dated 22-7-1993 [Annexure 'C'] stating that by virtue of the Government Notification dated 10-5-1993, the case fell within the jurisdiction of the Zilla Panchayat and will continue on the file of the fourth respondent and therefore it was not possible to transfer the appeal to the Asst Commissioner. Feeling aggrieved, the petitioner has filed this petition for quashing Annexure 'C' dated 22-7-1993 and a declaration that Notification dated 10-5-1993 does not refer to appellate and quasi-judicial powers and seeking a direction to third respondent to transfer the appeal to the Asst Commissioner, Mandya Subdivision.

2. When the matter came up today, the learned counsel agreed that the matter is covered by the decision of this court in **KEMPAMMA vs ZILLA PANCHAYAT MANDYA** [WP No 37363-64 of 1993, decided on 24-6-1998]. Hence, following the said decision, this petition is dismissed.

*pjk

Sd/-
JUDGE

